

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**JAMES BARTON,**

Plaintiff,

- against -

**COMPLAINT**

**PLAINTIFF DEMANDS  
TRIAL BY JURY**

**CORRECTION OFFICER ROHAIL KHAN,  
CORRECTION OFFICER MICHAEL WILLIAMS,  
and CORRECTION OFFICERS JOHN DOES  
1-3** in their individual capacities as Correction Officers  
employed by the State of New York,

9:24-cv-1433 DNH/ML

Defendants.  
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Plaintiff, by his attorney, ANDREW F. PLASSE ATTORNEY AT LAW, as and for his  
Complaint, hereby alleges and shows to the Court the following:

1. Plaintiff James Barton hereby brings this action against Correction Officer Rohail Khan, Correction Officer Michael Williams, and Correction Officers John Does 1-3 in their individual capacities as Correction Officers employed by the State of New York for damages arising out of unconstitutional policies and actions arising out of Eighth Amendment Constitutional Violations to be free from cruel and unusual punishment for an incident which occurred on April 13, 2023.

2. Plaintiff brings this action against the defendants to redress the deprivation of rights secured to him by the Eighth Amendment of the United States Constitution, and 42 U.S.C Section 1983. This court has Jurisdiction over a Federal Question. No amount in controversy is required to be plead.

3. No State Law Claims are alleged.

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Sections 1331, 1332, and 1343(a) (3) and 42 U.S.C. Section 1983.

5. Venue is proper in this District pursuant to 28 U.S.C. 1381.

6. At all times hereinafter mentioned the defendant Correction Officer Rohail Khan, Correction Officer Michael Williams, and Correction Officers John Does 1-3 were employed as New York State Correction Officers and acted under color of state law or a statute, ordinance, regulation or custom.

7. The names John Does 1-3 indicate that the first and last names of these defendants are unknown. Plaintiff intends to discover the identities of these defendants.

8. Plaintiff has complied with all provisions of the PLRA prior to commencement of this suit.

#### **STATEMENT OF FACTS**

9. Upon information and belief, on or about April 13, 2023, the State of New York employed Correction Officer Rohail Khan, Correction Officer Michael Williams and Correction Officers John Does 1-3 at the Mid-State Correctional Facility, 9005 Old River Road, Marcy, NY 13403.

10. At all times relevant to this Complaint, Mid State Correctional Facility was a New York State Prison in Marcy, New York, within the Northern District of New York, that housed inmates convicted of State Crimes.

11. On April 13, 2023, defendant Rohail Khan was working as a Correction Officer for the New York State Department of Corrections and Community Supervision in Building 4 at Mid-State Correctional Facility, acting under color of New York law.

12. On April 13, 2023, defendant Michael Williams was working as a Correction Officer Trainee for the New York State Department of Corrections and Community Supervision in Building 4 at Mid-State Correctional Facility acting under color of New York State Law.

13. On April 13, 2023, defendants Correction Officers John Does 1-3 were working as Correction Officers for the New York State Department of Corrections and Community Supervision in Building 4 at Mid-State Correctional Facility acting under color of New York State Law.

14. On April 13, 2023, the plaintiff was an inmate in Housing Unit 4F.

15. The date and time when the incident occurred was on April 13, 2023, at approximately 12:30 a.m.

16. The Place where said incident occurred was at Mid-State Correctional Facility, 9005 Old River Road, Marcy, NY13403, more specifically, in the Hallway between Housing Units 4-F & 4-E.

17. Plaintiff was awakened by the Housing Unit Officer.

18. Plaintiff was told to give him his I.D.

19. Plaintiff was told to go to the dayroom.

20. Another Officer was in the dayroom putting on gloves.

21. Plaintiff was told to walk into the hallway between Housing Units 4-F & 4-E.

22. There were four additional officers standing there waiting including Correction Officer Rohail Khan, Correction Officer Michael Williams and Correction Officers John Does 1-3, only one of whom was assigned to the unit that the plaintiff was sleeping in.

23. Once in the hallway, Correction Officer Trainee Williams told the plaintiff to put his hands on the wall, hold his identification card against the wall, and remain in that position.



24. One of the five Officers said to him, "Do you think you was going to get away with raping a white woman? Since you want to play games, I got one for you. Hold your I.D. with your right pinky against the wall and if the I.D. falls, then you're dead."

25. For the next ten minutes the Plaintiff was punched in his head, face, eyes, chest, back, stomach, legs, buttocks and groin by Correction Officer Trainee Michael Williams, Correction Officer Rohail Khan and Correction Officers 1-3.

26. Plaintiff fell to the floor in great pain.

27. Plaintiff was then kicked and stomped by Correction Officer Trainee Michael Williams, Correction Officer Rohail Khan and Correction Officers 1-3.

28. Next, one of the Officers that plaintiff could not see, said, **"Let's give him the George Floyd Challenge!"**

29. Plaintiff was put in a chokehold by one of the Officers with another Officer punching him.

30. Defendants Correction Officer Trainee Michael Williams, Correction Officer Rohail Khan and Correction Officers 1-3 all participated in the assault and battery as aforesaid, as joint and several tortfeasors.

31. Defendants Correction Officer Trainee Michael Williams, Correction Officer Rohail Khan and Correction Officers 1-3 knew that the assault and battery as aforesaid was unjustified without any legal basis and violated the provisions in the Constitution against cruel and unusual punishment.

32. As a result of the foregoing, Plaintiff sustained severe personal injuries and required medical treatment.

33. Following this incident, the defendants agreed to lie about the assault on the plaintiff by falsely denying any involvement or knowledge of the assault and battery when they were questioned by internal investigators with the New York State Department of Corrections and Community Supervision.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS CORRECTION OFFICER ROHAIL KHAN, CORRECTION OFFICER MICHAEL WILLIAMS, and CORRECTION OFFICERS JOHN DOES 1-3, PLAINTIFF RESTATES AND REALLEGES EACH AND EVERY ALLEGATION SET FORTH IN PARAGRAPHS MARKED AND ENUMERATED "1-33" AND FURTHER ALLEGES AS FOLLOWS:**

34. Upon information and belief, the actions taken as aforesaid by Correction Officer Rohail Khan, Correction Officer Michael Williams, and Correction Officers John Does 1-3 on April 13, 2023 by assaulting and battering the plaintiff, causing James Barton to sustain severe personal injuries, and was in violation of the Eighth Amendment of the United States Constitution and violated his civil rights under color of state law.

35 . Upon information and belief, Correction Officer Rohail Khan, Correction Officer Michael Williams, and Correction Officers John Does 1-3 acted with actual malice toward the Plaintiff and with willful and wanton indifference and deliberate disregard for the statutory and constitutional rights of the plaintiff.

36. Solely by reason of the above, the plaintiff sustained severe personal injuries, was rendered sick, sore, lame and disabled, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are permanent in nature and duration, and plaintiff will be permanently caused to suffer pain, inconvenience and other effects of such injuries; plaintiff incurred and in the future may incur further hospital and/or medical expenses in an effort to be cured of said injuries; all to plaintiff's great damage.

37. That by virtue of the foregoing, Plaintiff has been damaged in the amount of TEN MILLION [\$10,000,000.00] DOLLARS.

**WHEREFORE**, Plaintiff demands Judgment as follows:

I. Judgment on the First Cause of Action against defendants Correction Officer Rohail Khan, Correction Officer Michael Williams, and Correction Officers John Does 1-3, jointly and severally, in the amount of TEN MILLION (\$10,000,000.00) DOLLARS;

II. Punitive Damages against defendants Correction Officer Rohail Khan, Correction Officer Michael Williams, and Correction Officers John Does 1-3 jointly and severally in the amount of TEN MILLION (\$10,000,000.00) DOLLARS;

III. Together with the costs and disbursements of this action, for reasonable attorney's fees under the applicable Federal Statutes, and for such other and further relief as to this Court seems just and proper.

DATED: November 25, 2024  
Flushing, New York



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**DEMAND FOR JURY TRIAL IS HEREBY MADE  
PURSUANT TO RULE 38 OF THE FEDERAL  
RULES OF CIVIL PROCEDURE**



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